



GUERNSEY STATUTORY INSTRUMENT
2016 No. 86

**The Public Highways (Temporary Road Closures) (Fees
and Penalties) Order, 2016**

Made 22nd December 2016, 2016
Coming into operation 1st January, 2017
Laid before the States, 2017

THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE, in exercise of the powers conferred on it by sections 2(6), 3(1) and 3(3) of the Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003^a, and in pursuance of the Resolution of the States of 1st October, 2015^b, hereby orders:-

Fees payable in respect of applications for temporary road closures, etc.

1. (1) Subject to the provisions of this Order, the fees set out in paragraph (2) shall be payable to the Committee in respect of an application under section 2 of the Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003 ("**the Law**") for permission for –

- (a) the temporary closure of a road or footway, or
- (b) the application of any traffic management measures in a road, or
- (c) both the temporary closure of a road and the application of any traffic management measures therein,

^a No. XXV of 2003; as amended by Ordinance No. XXXIII of 2003.
^b Article XVII of Billet d'État No. XVI of 2015.

when the work that is the subject of that application will necessitate the resurfacing of a road or footway.

(2) Subject to subparagraphs (3) and (4), the fees referred to in paragraph (1) are -

- (a) a fee of £96 and, in addition,
- (b) a fee that shall be calculated by reference to the table set out in Schedule 1.

(3) Where an application under section 2 of the Law is made solely in respect of a footway –

- (a) if the application is to resurface the full width of the footway for a continuous length of five metres or more, no fee is payable in respect of that application under this Article, and
- (b) in any other case, the application shall be treated for the purposes of the table set out in Schedule 1 as an application in respect of a Neighbourhood Road.

(4) In any case where a road that is the subject of an application under section 2 of the Law is scheduled, pursuant to the Resurfacing Programme, to be resurfaced by or on behalf of the Committee within the period of six months from the completion of the works specified in the application, for the purposes of the table set out at Schedule 1 the length of time since that road was resurfaced shall be deemed to be 0 – 5 years.

Penalty fees payable in relation to breaches of conditions.

2. (1) In addition to the fees payable under Article 1 there shall, in the circumstances set out in section 3(3) of the Law, be payable to the Committee by a person granted permission pursuant to an application made under section 2 of the Law –

- (a) a penalty fee of £96, and, in addition,
- (b) a penalty fee in the sum of 25% of the correct fee payable under Article 1(2)(b) in respect of that application.

(2) Without prejudice to paragraph (1) and for the avoidance of doubt, in any case where it is shown that an incorrect sum was paid in purported compliance with the requirement to pay a fee under Article 1(2)(b), as soon as practicable after the error is shown the applicant shall pay to the Committee or the Committee shall pay to the applicant (as the case may be) the difference between the sum paid and the correct fee.

Exemptions from requirement to pay fees in respect of applications.

3. No fees shall be payable under Article 1 in relation to an application for permission under section 2 of the Law made in the circumstances set out in Schedule 2.

Power of Committee to waive fees.

4. For the avoidance of doubt, Articles 1 to 3 are without prejudice to the powers of the Committee under section 3(4) of the Law to waive the fees payable in any case.

Recovery of fees.

5. Fees payable to the Committee under this Order (including sums payable under Article 2(2)) shall be recoverable as a civil debt.

Interpretation.

6. (1) In this Order –

"**Circulation Route**", "**Inter-Harbour Route**", "**Neighbourhood Road**" and "**Traffic Priority Route**" mean a road marked as such on the map titled "*Road Hierarchy - Public Highways (Temporary Road Closures) (Fees and Penalties) Order, 2016*", and lodged at the Greffe,

"**the Committee**" means the States Committee for the Environment

& Infrastructure,

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**footway**" means a pavement or path running alongside a road over which the public has right of way on foot only or any part thereof,

"**resurface**" means to cover a road or footway with a new surface course for the purpose of repairing or improving it, and related expressions shall be construed accordingly,

"**Resurfacing Programme**" means the Committee's published programme of resurfacing works, as it has effect from time to time,

"**road**" means any part of the public highway other than a footway, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Order.

(3) Any reference in this Order to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

6. This Order may be cited as the Public Highways (Temporary Road Closures) (Fees and Penalties) Order, 2016, and shall come into force on 1st

^c Ordres en Conseil Vol. XIII, p. 355.

January, 2017.

Dated this 22nd day of December, 2016



DEPUTY B. L. BREHAUT

President of the Committee for the Environment & Infrastructure
For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order prescribes the fees payable to the Committee for the Environment & Infrastructure in respect of applications under the Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003 for permission for the temporary closure of a road or pavement, or the application of traffic management measures in a road, when the relevant work will involve the resurfacing of the road or pavement. Fees are calculated by reference both to the class of the road which is the subject of the application, and how long it has been since it was last resurfaced.

Article 1(2)(b).

SCHEDULE 1

**Variable fee payable in relation to an application made under section 2 of the
Law per square metre of road to be resurfaced or part thereof**

| Class of road which is the subject of the application | Length of time since the road which is the subject of the application was resurfaced by or on behalf of the Committee | | |
|--|--|---------------------|---|
| | <i>0 - 5 years</i> | <i>6 – 10 years</i> | <i>11 or more years (or has never previously been resurfaced)</i> |
| Inter-Harbour Route | £84 | £60 | £30 |
| Traffic Priority Route | £46 | £33 | £16 |
| Circulation Route | £37 | £27 | £13 |
| Neighbourhood Road | £32 | £23 | £11 |

SCHEDULE 2

**Circumstances in which no fee is payable in respect of an application made
under section 2 of the Law**

1. Where the application is one to which Article 1(3)(a) applies.

2. Where the application is in respect of a road which is scheduled, pursuant to the Resurfacing Programme, to be resurfaced by or on behalf of the Committee at least six months after the date of the application.

